

REMARKS

Claims 1-11 are pending in the application. In the Final Office Action of October 25, 2002, the Examiner made the following disposition:

- A.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being anticipated by *Chaloner-Gill*.
- B.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Kamauchi et al.*

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

- A.) Rejection of claims 1-6 and 11 under 35 U.S.C. §103(a) as being anticipated by *Chaloner-Gill*:

Applicants respectfully disagree with the rejection.

Claim 1 has been amended to claim a nonaqueous electrolyte battery comprising a first gas absorbable member positioned at a first side of a battery element, and a second gas absorbable member positioned at a second side of the battery element opposite the first side. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **“VERSION WITH MARKING TO SHOW CHANGES MADE.”**

Referring to Applicants' Figure 5 for illustrative purposes, Applicants' independent claim 1 claims a nonaqueous electrolyte battery comprising a battery element 1 contained in an outer covering member composed of a laminated film and sealed therein by heat seal. A gas absorbable material and resin material are interposed between an outermost layer of the outer covering member and the battery element. A content of the gas absorbable material is in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material. A first gas absorbable member 5 is positioned at a first side of a battery element. A second gas absorbable member 6 is positioned at a second side of the battery element opposite the first side.

This is clearly unlike *Chaloner-Gill*, which fails to disclose or suggest a first and second gas absorbable members positioned at opposite sides of a battery element. Referring to *Chaloner-Gill* Figure 1, *Chaloner-Gill* discloses a cell 10 sealed between two sheets of an outer covering member 5. The two sheets of the outer covering member 5 are sealed along seals 32, 33, 34, and 35. Unlike Applicants' claim 1, nowhere does *Chaloner-Gill* disclose or suggest providing first and second gas absorbable members in addition to its outer covering member 5. In fact, nowhere does *Chaloner-Gill* even teach that such first and second gas absorbable

members can be provided.

Therefore, *Chaloner-Gill* fails to disclose or suggest Applicants' claim 1.

Claims 2-6 and 11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection be overcome and request that it be withdrawn.

B.) Rejection of claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Kamauchi et al.*:

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1, as amended, is allowable over *Chaloner-Gill* as described above. *Kamauchi et al.* still fails to disclose or suggest a first and second gas absorbable members positioned at opposite sides of a battery element. Therefore, *Chaloner-Gill* in view of *Kamauchi et al.* still fails to disclose or suggest Applicants' claim 1.

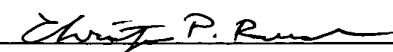
Claims 7-10 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection be overcome and request that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claim 1 as follows:

1. (Twice Amended) A nonaqueous electrolyte battery comprising:
a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal; [and]
a gas absorbable material and resin material interposed between an outermost layer of said outer covering member and said battery element, a content of the gas absorbable material being in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material;
a first gas absorbable member positioned at a first side of the battery element; and
a second gas absorbable member positioned at a second side of the battery element opposite the first side.